

UNITED STATES DISTRICT COURT 2013 JUL -1 AM 10:33
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

v.

JOEL I. BERNSTEIN, M.D., INC.

JUDGMENT IN A CRIMINAL CASE
(For Organizational Defendants)

CASE NUMBER: 13CR0119-CAB

CHARLES L. GOLDBERG AND CHARLES M. SEVILLA
Defendant Organization's Attorney

☐

THE DEFENDANT ORGANIZATION:

☒ pleaded guilty to count(s) ONE (1) OF THE ONE-COUNT INFORMATION

☐ was found guilty on count(s) _____
after a plea of not guilty.

Accordingly, the defendant organization is adjudged guilty of such count(s), which involve the following offense(s):

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Count Number(s)</u>
18 USC 1347 and 2	HEALTHCARE FRAUD AND AIDING AND ABETTING	1

The defendant organization is sentenced as provided in pages 2 through 5 of this judgment.

The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant organization has been found not guilty on count(s) _____

☐ Count(s) _____ is ☐ are ☐ dismissed on the motion of the United States.

☒ Assessment: \$400.00

☒ See fine page

☒ Forfeiture pursuant to order filed 2/1/2013, included herein.

IT IS ORDERED that the defendant organization shall notify the United States Attorney for this district within 30 days of any change of name, principal business address, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant organization shall notify the court and United States Attorney of any material change in the organization's economic circumstances.

JUNE 28, 2013

Date of Imposition of Sentence

HON. CATHY ANN BENCIVENGO
UNITED STATES DISTRICT JUDGE

13CR0119-CAB

DEFENDANT ORGANIZATION: JOEL I. BERNSTEIN, M.D., INC.
CASE NUMBER: 13CR0119-CAB

PROBATION

The defendant organization is hereby sentenced to probation for a term of:

ONE (1) YEAR, OR UNTIL THE CORPORATION IS DISSOLVED.

MANDATORY CONDITION

☒ The defendant organization shall not commit another federal, state or local crime.

☒ If this judgment imposes a fine or a restitution obligation, it shall be a condition of probation that the defendant organization pay any such fine or restitution.

☒ The defendant organization shall comply with the standard conditions that have been adopted by this court (set forth below). The defendant organization shall also comply with the additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) within thirty days from the date of this judgment, the defendant organization shall designate an official of the organization to act as the organizations's representative and to be the primary contact with the probation officer;
- 2) the defendant organization shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 3) the defendant organization shall notify the probation officer ten days prior to any change in principal business or mailing address;
- 4) the defendant organization shall permit a probation officer to visit the organization at any of its operating business sites;
- 5) the defendant organization shall notify the probation officer within seventy-two hours of any criminal prosecution, major civil litigation, or administrative proceeding against the organization;
- 6) the defendant organization shall not dissolve, change its name, or change the name under which it does business unless this judgment and all criminal monetary penalties imposed by this court are either fully satisfied or are equally enforceable against the defendant's successors or assignees;
- 7) the defendant organization shall not waste, nor without permission of the probation officer, sell, assign, or transfer its assets.

DEFENDANT ORGANIZATION: JOEL I. BERNSTEIN, M.D., INC.
CASE NUMBER: 13CR0119-CAB



SPECIAL CONDITIONS OF SUPERVISION

- 1) Subject corporate records and premises to search by the probation officer.
- 2) The corporation is required to have an effective program to prevent and detect violations of law.

DEFENDANT: JOEL I. BERNSTEIN, M.D., INC.
CASE NUMBER: 13CR0119-CAB

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FINE

The defendant shall pay a fine in the amount of \$500,000.00 unto the United States of America.

This sum shall be paid immediately.
 x as follows:

THE FINE IS PAYABLE FORTHWITH, OR DURING THE TERM OF PROBATION, AT THE RATE OF
\$10,417.00 PER MONTH (USSG Sec. 8C3.3(a)).

The Court has determined that the defendant does not have the ability to pay interest. It is ordered that:

 x The interest requirement is waived.

 The interest is modified as follows:

DEFENDANT: JOEL I. BERNSTEIN, M.D., INC.
CASE NUMBER: 13CR0119-CAB

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RESTITUTION

The defendant shall pay restitution in the amount of \$1,780,154.97 unto the United States of America.

This sum shall be paid immediately.
 x as follows:

RESTITUTION SHALL BE PAID THROUGH THE CLERK OF THE U.S. DISTRICT COURT, TO THE CENTER FOR MEDICARE AND MEDICAID SERVICES, DIVISION OF ACCOUNTING OPERATION, 7500 SECURITY BOULEVARD, MAILSTOP C3-11-03, BALTIMORE, MD 21244.

The Court has determined that the defendant does not have the ability to pay interest. It is ordered that:

 x The interest requirement is waived.

 The interest is modified as follows: